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SUBJECT: UN SPECIAL RAPPORTEUR SLAMS GDRC

Classified By: Ambassador William J. Garvelink for reasons 1.4 (b) and (d).

11. (C) Summary: UN Special Rapporteur for Extrajudicial Executions Philip Alston told the diplomatic corps and the press separately that there was conclusive evidence that FARDC soldiers had killed at least 50 Rwandan refugees and abducted 40 women, subjecting them to SGBV in an attack at Shalio in North Kivu in April. Alston described the humanitarian consequences of Kimia II as "catastrophic." According to Alston, the FARDC commander of Kimia II in South Kivu minimized FARDC SGBV against the local population, explaining that Congolese women were promiscuous. On impunity, Alston criticized the GDRC and some in MONUC who argued that it was necessary to establish "peace before justice." Alston urged MONUC to do more community outreach in LRA-affected areas. In Bas-Congo Province, Alston expressed concern that the government continued to repress the Bundu dia Kongo group. Alston characterized tension between DPKO and the United Nations Joint Human Rights Office as "normal." Alston released an eight-page preliminary report, noting the final report would only appear in approximately six months. End summary.

Alston visits the Kivus, Orientale, and Bas-Congo

12. (SBU) On October 16, Philip Alston, UN Special Rapporteur on Extrajudicial Executions, briefed selected members of the diplomatic community (U.S., UK, Germany, Belgium, and the Netherlands) in advance of the release of his eight-page statement detailing preliminary findings from his October 5-15 visit to the DRC. Alston said that, because of UN bureaucracy, the final report would not be published for approximately six months. Alston visited North and South Kivu, Orientale Province, and Bas-Congo Province. Alston met with the presidents of the National Assembly and Senate, and the ministers of Foreign Affairs, Justice, and Human Rights. He expressed disappointment that he did not obtain meetings with senior level officials at the presidency, national police, intelligence service (ANR), or the ministries of Interior and Defense. Despite his harsh criticism of the situation in the DRC, Alston noted that the GDRC had allowed his visit in contrast to countries such as Iran, Saudi Arabia, China, Russia, and India.

Shalio massacre, Kimia II, and FARDC sex crimes

13. (SBU) Alston said that there was conclusive evidence that FARDC troops had killed at least 50 Rwandan Hutu refugees in April 2009 in an attack at Shalio in North Kivu. In addition, the refugee camp was burned down and 40 women were abducted. According to Alston, 10 of the women escaped and reported having been gang-raped. The whereabouts of the

other 30 women are unknown.

¶4. (C) Alston told the diplomatic corps that he had no view as to whether Kimia II was successful militarily. Subsequently, however, he told the press that "from a human rights perspective, the operation had been catastrophic." Alston maintained that Senate President Leon Kengo wa Dondo had told him that Kimia II results were "absolutely minimal."

¶5. (C) Alston recounted a conversation he had with Colonel Delphin Kahimbi, commander of Kimia II operations in South Kivu. Confronted with statistics detailing accusations of QKivu. Confronted with statistics detailing accusations of FARDC sex crimes, Delphin allegedly admitted "about 15% of the cases were valid." Delphin added that Congolese women were promiscuous and naturally attracted to men in uniform with some money. Alston suggested to Delphin that the FARDC should issue a general order prohibiting sexual relations between FARDC troops and the local population.

Impunity

¶6. (C) Alston said he vehemently disagreed with the GDRC mantra that it needed "peace before justice." "Justice delayed," in Alston's opinion, "was justice denied." Specifically, Alston complained that DSRSG Ross Mountain and Force Commander General Gaye had argued that apprehending Bosco Ntaganda would be counterproductive at the moment. Alston claimed that there were some "easy wins," which the GDRC could implement, such as name tags on army uniforms. Name tags Alston maintained, would help deter misbehavior,

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particularly SGBV.

Rudia II

¶7. (SBU) Alston claimed that the FARDC had prematurely declared victory in the anti-LRA operations. The outgoing FARDC commander in the region, Republican Guard Colonel Mundos, told Alston that the FARDC's "mission was accomplished" with most LRA elements having fled to the CAR.

¶8. (SBU) Alston roundly criticized MONUC's lack of community outreach in LRA-affected areas. MONUC, he maintained, could take small steps -- improving electricity provision and increasing Radio Okapi's broadcasting reach -- to boost community relations.

Bas-Congo stand-off

¶9. (SBU) During his visit to Bas-Congo to meet with members of Bundu dia Kongo (BDK) members, Alston said he encountered serious access restrictions. Although he had called in advance to ensure BDK members would be available, police officials prevented Alston from meeting with them in Kisantu, a BDK stronghold. After a long stand-off, the police relented, but after Alston departed, the police arrested a BDK lawyer. Alston returned to obtain his release, but only after the governor had telephoned the police.

MONUC's internal dynamics

¶10. (C) Commenting on internal dynamics in MONUC, Alston described the relations between DPKO and the United Nations Joint Human Rights Office (UNJHRO) as tense, but improving. Alston characterized UNJHRO criticism of Kimia II as "normal" in a peacekeeping context, but difficult for outsiders to comprehend.

Prisons in abysmal state

¶11. (SBU) According to Alston, the DRC prison system was in dire straits with many prisoners literally starving to death. The GDRC, he added, was regularly feeding prisoners in only one prison in the country. The overwhelming majority of prisoners were being held without charge. The Minister of Justice asked Alston for international community support (WFP) to feed prisoners. Alston noted this was "classic abdication of state responsibility."

¶12. (C) Comment: Alston's report was damning, particularly as to a level of indifference to human rights amongst some senior FARDC officers. Tension between the DPKO and human rights sides of MONUC is not necessarily disruptive, rather, it can often provoke constructive criticism. While there is legitimate criticism of the humanitarian costs of Kimia II, it would be short-sighted, in our view, to simply walk away from the GDRC's efforts to weaken the FDLR. The military operation complements efforts to convince FDLR elements to repatriate voluntarily. MONUC, the FARDC, and the international community need to stay nimble, willing to re-calibrate its efforts and priorities based on the changing situation on the ground, e.g., reinforcing MONUC's civilian protection capabilities. End comment.
GARVELINK